IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 30918 of 2006(E)

PETITIONER:

FR. XAVIER KUDIAMSSERY,
MANAGER OF CORPORATE MANAGEMENT OF SCHOOLS,
DIOCESE OF ALLEPPEY, BISHOP'S HOUSE,
ALLEPPEY-688 012.

BY ADV. SRI.ANTONY M. AMBAT

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, GENERAL EDUCATION(K)
DEPARTMENT, THIRUVANANTHAPURAM.

2. DISTRICT EDUCATIONAL OFFICER,
CHERTHALA, ALLEPPEY.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 30918/2006 E

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE APPOINTMENT ORDER DT. 25/11/96.

EXT.P2. COPY OF THE APPOINTMENT ORDER DT. 2/6/97.

EXT.P3. COPY OF THE GO P NO. 175/99 FIN DT. 26/7/99.

EXT.P3A. COPY OF THE GO P NO. 240/2000/G.EDN DT. 24/7/00.

EXT.P4. COPY OF THE ORDER NO. B2/4716/2005 DEO(C) OF DEO, CHERTHALA DT. 28/7/2005.

EXT.P5. COPY OF THE APPEAL SUBMITTED TO DD, ALAPPUZHA DT. 8/8/05.

EXT.P6. COPY OF THE GO MS NO. 154/89/G.EDN DT. 22/08/89.

EXT.P7. COPY OF THE ORDER NO. B1/21485/05/K DIS. DT. 5/12/05 OF DD ALAPPUZHA.

EXT.P8. COPY OF THE APPEAL NO. 3/06 DT. 2/1/2006 TO THE DIRECTOR OF PUBLIC INSTRUCTION.

EXT.P9. COPY OF THE ORDER NO. D.DIS 2501/06/KA 1/DPI DT. 10/4/2006.

EXT.P10. COPY OF THE APPEAL NO. 313/06 DT. 11/07/06 TO THE SECRETARY GENERAL EDUCATION, GOVT. OF KERALA.

EXT.P11. COPY OF THE GO P NO. 189/2005.G.EDN DT. 17TH JUNE, 2005.

EXT.P12. COPY OF THE ORDER NO. 43959/K1/06/G.EDN DT. 27/09/2006 OF THE SECRETARY, GENERAL EDUCATION.

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 30918 OF 2006

Dated this the 15th day of June, 2007.

J U D G M E N T

Petitioner is aggrieved by Exhibits P4, P7 and P12. The issue pertains to the retention of Music Teacher Smt. Mariyamma K.L. in St. Augustine High School, Mararikulam from 15.07.2005.

2. In the nature of the view I propose to take this writ petition, it is not necessary to go into the various contentions taken by the petitioner. It is seen that a statutory revision filed by the petitioner has been rejected by the Government by a one-line order stating that the request does not deserve consideration as there is no regular Music Teacher post in the school. I am afraid that the same is not a proper order in a statutory revision. There is no counter affidavit.

Hence, I set aside Exhibit P12 with a direction to the first respondent to pass a proper order adverting to the contentions taken by the petitioner with notice to the petitioner. Orders as above shall be passed within a period of three months from the date of production of a copy of this judgment.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp